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Onyx Dkt No. 1046.ORD
 USSN: 09/410,462
 PATENT

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is:	
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Signature: /Gary R. Fabian/ Reg. No. 33,875	Date: 7 July 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In Re Application of: Williams, A., et al.	Confirmation No. 6889
Serial No.: 09/410,462	Art Unit: 1635
Filing Date: 1 October 1999	Examiner: J.E. Angell
Title: A SINGLE AGENT METHOD FOR KILLING TUMOR AND TUMOR ASSOCIATED ENDOTHELIAL CELLS USING ADENOVIRAL MUTANTS	

NOTICE OF APPEAL (Reinstatement)

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

The final rejection mailed 7 April 2009 is hereby appealed to the Board of Patent Appeals and Interferences.

- ☒ An authorization to charge a Notice of Appeal reduced fee of \$290.00 for reinstatement of the Notice of Appeal to Deposit Account No. 15-0615 accompanies this paper.
- ☐ Attached is a check to cover the Notice of Appeal Fee of ☐ \$255.00 ☐ \$510.00.
- ☐ An authorization to charge the Notice of Appeal Fee of ☐ \$255.00 ☐ \$510.00.

MPEP 1204.01 states the following:

Reinstatement of Appeal [R-3]

If an appellant wishes to reinstate an appeal after prosecution is reopened, appellant must file a new notice of appeal in compliance with 37 CFR 41.31 and a complete new appeal brief in compliance with 37 CFR 41.37. Any previously paid appeal fees set forth in 37 CFR 41.20 for filing a notice of appeal, filing an appeal brief, and requesting an oral hearing (if applicable)

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will be applied to the new appeal on the same application as long as a final Board decision has not been made on the prior appeal. If, however, the appeal fees have increased since they were previously paid, then appellant must pay the difference between the current fee(s) and the amount previously paid. Appellant must file a complete new appeal brief in compliance with the format and content requirements of 37 CFR 41.37(c) within two months from the date of filing the new notice of appeal. See MPEP §1205.

Applicants filed a Notice of Appeal and paid a fee of \$250.00 on 27 September 2007. Applicants filed an Appeal Brief and paid a fee of \$255.00 on 23 February 2008. The Examiner then reopened prosecution. No final Board decision was made on the prior appeal. The entity status of this application has changed since the filing of the Notice of Appeal and Appeal Brief.

The current filing fee for a Notice of Appeal is \$540. Applicants previously paid \$250. Thus, the amount due for the present Notice of Appeal is \$290.00.

The Commissioner is hereby authorized to charge **\$290.00** to Deposit Account No. 15-0615 (please reference **ONYX 1046.ORD**). No further fees are believed due; however; the Commissioner is hereby authorized to charge to Deposit Account No. 15-0615 (please reference **ONYX 1046.ORD**) any fees under 37 C.F.R. §§ 1.16, 1.17, 1.21, and 41.20 which may be required by this paper, with the exception of the payment of the issue fee. Please direct all further communications in this application to:

CUSTOMER NO: 037499

Gregory Giotta, Esq.
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Emeryville, CA 94608
Phone: (510) 597-6502
Facsimile: (510) 597-6610.

Respectfully submitted,

Date: 7 July 2009

By: /Gary R. Fabian/

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Agent for Applicants